

## REMARKS

Claims 1-20 are pending in the application. Claims 1-20 were rejected by the Office Action of June 29, 2005. Applicants present no Amendments to the claims at this time. No new matter has been added. Reconsideration of the claim rejections is requested in view of the following remarks

### Claims Rejected Under 35 U.S.C. § 102(b)

The Office Action rejects claims 1, 4-7, 9, 12-15, 17 and 19-20 under 35 U.S.C. 102(b) as being anticipated by Morita (U.S. Patent 5,479,304). Applicants traverse the claims rejection.

In order to serve as a §102 reference, the reference must teach every aspect of the claimed invention either explicitly or impliedly (MPEP §706.02). The cited reference Morita has not done so for at least the following reasons.

#### Independent Claims 1, 9 and 17

In contrast to Applicants composite base plate, Morita describes three structures. Morita describes a bracket attached to a base plate and a reinforcement plate attached to the bracket:

“The bracket 1 is attached to a base plate 30... by engaging a screw in the through-hole 2.” (Morita, col. 3, lines 43-46).

In addition, “a reinforcement plate, attached to the bracket ... to increase the rigidity of the bracket” (Morita, col.4, lines 3-6).

In addition, Morita requires a flange in attaching the reinforcement plate to the bracket:  
“...flange 19 is fitted on the bottom portion of the bracket 1, thus mounting the reinforcement plate 18 on the bracket 1.” (Morita, col. 4, lines 25-26).

In contrast, Applicants invention claims a composite material base plate:

“...the base plate comprising a first material..., and a second material...”  
(Applicants independent claims 1, 9 and 17, in part, emphasis added.)

Morita also describes the bracket itself as a high-rigidity material, in FIG. 6. However, the application of Morita to Applicant’s invention teaches away from Applicant’s invention and can cause an inoperative result, or a result that fails to fulfill objectives of the present invention including reduced power consumption (as described below).

Further, the use of additional structures (bracket and/or reinforcement plate, flange) described by Morita may result in increased machining and increased axial thickness of the motor.

#### Independent Claims 9 and 17

Applicants independent claims 9 and 17 include comparable limitations as claim 1 and are allowable for at least the reasons discussed above.

#### Dependent Claims 4-7, 12-15 and 19-20

Claims 4-7 depend on claim 1, claims 12-15 depend on claim 9, and claims 19-20 depend on claim 17, and that these respective dependent claims are allowable for at least the reasons as discussed in regards to the independent claims 1, 9 and 17.

#### Claims Rejected Under 35 U.S.C. § 103(a)

The Office Action rejects claims 2-3, 10-11 and 18 under 35 U.S.C. 103(a) as being unpatentable over Morita (U.S. Patent 5,479,304), and rejects claims 8 and 20 under 35 U.S.C. 103(a) as being unpatentable over Morita (U.S. Patent 5,479,304) in view of Heine (U.S. Patent 6,005,748).

Applicants traverse the claims rejection.

Morita does not teach or suggest Applicants claimed invention, in particular Applicants independent claims 1, 9 and 17. Moreover, the dependent claims 2-3, 10-11 and 18 recite further features and combinations of features that are patentably distinct from Morita. Also, the dependent claims 8 and 20 recite further features and combinations of features that are patentable distinct and not taught or suggested by Morita and Heine even as combined.

In particular, Morita teaches away from Applicants invention, and the application of Morita to Applicants invention would cause an inoperative result. Applicants describe the following:

“Applicant took numerous factors into consideration in selecting the composition and material positioning of a base plate including magnetic flux interaction, power consumption, start up time, stiffness, vibration and acoustic impedance.” (Applicants Detailed Description, page 9, par. 21).

“One problem with these powerful magnet assemblies is that the magnetic flux that is produced is not completely contained to interacting with the stator. As a result, stray magnetic flux impinges upon other components and can affect motor performance.” (Applicants Detailed Description, page 9, par. 19).

Morita describes placement of the reinforcement plate at unlimited positions including adjacent to the magnet:

“the location of the reinforcement plate 18 is not limited to the rear surface of the bracket. For example, reinforcement plate 18 may be attached to the upper surface of the bracket or any other part where high rigidity is required.” (Morita, col. 5, lines 29-32).

In contrast, Applicants position the second material a predetermined distance to avoid impinging magnetic interaction:

“... the second material positioned at a greater radial distance from the magnet than the radial distance between the stator and the magnet.” (Applicants independent claims 1, 9 and 17.)

Additionally, Morita describes an embodiment that teaches away from Applicants invention in describing the reinforcement plate as being non-magnetic iron and the bracket as a non-magnetic stainless steel. Moreover, the application of Morita to Applicants invention can cause an inoperative result, or a result that fails to fulfill objectives of the present invention including reduced power consumption.

As Applicants describe experiments conducted:

“when steel having nonmagnetic qualities is utilized for the base plate, increased power consumption and slower start up time results. The steel having nonmagnetic qualities likely becomes magnetic when subjected to machining or heat processing, which are necessary processes for forming a base plate.” (Applicants Detailed Description, page 3, par. 14).

Further, although a statement for the rejection of claim 16 is not provided by the Examiner, Applicant submits that claim 16 is allowable for at least the reasons given in regard to claim 8.

### CONCLUSION

In view of the foregoing, it is submitted that amended claims 1-20 patentably define the subject invention over the cited reference of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, please contact the undersigned at Tel. (310) 312-1500.

Respectfully submitted,  
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Dated: Aug. 26, 2005

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*I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 26, 2005.*

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B. 26. 2005  
August 26, 2005